

SUPPLEMENTARY DECLARATION NO. 75

LAS COLINAS AREA LXXV

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 27th day of February, 1985 by LAS COLINAS CORPORATION, hereinafter called Declarant.

WITNESSETH

WHEREAS, Declarant executed a Declaration (the Declaration) on the 22nd of August, 1973, applicable to certain real property described in Exhibit "A" there- to and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

WHEREAS, the Declaration was filed of record in Volume 73166, Page 1001 of the Deed of Records of Dallas County, Texas, a Correction to Declaration was filed of record in Volume 77154, Page 1096, of the Deed Records of Dallas County, Texas, and a second Correction to Declaration was filed of Record in Volume 79122, Page 0749 of the Deed Records of Dallas County, Texas; and corrected by Third Correction to Declaration dated March 1, 1982 and recorded in Volume 82071, Page 3244 of the Deed Records of Dallas County, Texas; and

WHEREAS, Article V of the Declaration (entitled Protective Covenants), as originally written and as modified by said previous Supplementary Declaration is applicable only to the real property described in said Exhibit "A" to the Decla- ration and in Exhibits to said previous Supplementary Declarations and not to ad- ditional real property which may be added to the scheme of the Declaration by subsequent Supplementary Declaration; and

WHEREAS, Article I, Section 3 of the Declaration permits the addition of additional property to the scheme thereof by filing a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declara- tion as it pertains to such additional property; and

WHEREAS, Declarant desires to so add additional property, located within the boundaries of the property described in Exhibit "B" to the Declaration, to the scheme of the Declaration and to so modify Article V of the Declaration as it pertains to said additional property;

NOW THEREFORE, LAS COLINAS CORPORATION, Declarant, hereby declares as follows:

1. That the real property described in Exhibit A-75 attached hereto and incorporated herein by reference for all purposes (designated as Area LXXV for

purposes of this Supplementary Declaration) is and shall be subject to the scheme of the Declaration, and is and shall be held, transferred, sold, conveyed, used and occupied subject to covenants, restrictions, easements, charges, and liens set forth in the Declaration (the Declaration being incorporated herein by reference for all purposes) as modified herein.

2. That Article V of the Declaration is hereby modified by the addition thereto of the following Section 75, which shall be applicable only to Area LXXV.

Section 75. Covenants Applicable to Area LXXV. The following provisions shall be applicable to any and all construction, improvement, addition, or use of, in, or to Area LXXV of the properties:

a. Use Limitations. Sites in Area LXXV may be used for Dallas County Utility and Reclamation District purposes. Such sites may also be used for office buildings and related facilities, banks and financial institutions, restaurants, and other retail sales facilities but only with the specific prior written approval of Declarant. The following uses of sites in Area LXXV are not permitted:

- (1) Warehouses and manufacturing.
- (2) Residential.
- (3) Any use which involves a noxious odor or any excessive noise level.
- (4) Any use contrary to law or which violates any part of Section 75 of this Article V.
- (5) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in completely enclosed and screened areas.
- (6) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.
- (7) Uses not expressly permitted herein above.

b. Minimum Setback Lines. No structure of any kind and no part thereof shall be placed within these setback lines:

- (1) 25 feet from Las Colinas Boulevard.
- (2) 25 feet from Rochelle Boulevard.
- (3) 50 feet from the dry wall of Lake Carolyn.
- (4) 25 feet from any other public or private street.

The following improvements are expressly excluded from this restriction:

- (1) Structures below and covered by the ground;
- (2) Steps, walks, pedestrian bridges, driveways, and curbing;
- (3) Planters, walls, fences, or hedges, not to exceed four feet in height;
- (4) Landscaping;
- (5) Guardhouses;
- (6) Gatehouses;
- (7) Aerial pedestrian crossings or connections;
- (8) Canopies;
- (9) Relatively minor encroachments of adequately screened structures or parking areas.

Declarant may grant exceptions to and/or variations from any setback lines established in this paragraph b. of this Section 75 except for b.3., setback from Lake Carolyn, provided that any such variances or exceptions must be in writing.

Exceptions to and/or variations from b.3., setback from Lake Carolyn may be granted only upon written approval of both the Board of Directors of Dallas County Utility and Reclamation District and the Architectural Control Committee. In the event Dallas County Utility and Reclamation District ceases to be an active municipal corporation organized under the laws of the State of Texas functioning as a separate political subdivision of the State, exceptions to and/or variations from b.3., setback from Lake Carolyn may be granted only by the Architectural Control Committee, provided any such exceptions or variations must be in writing.

c. Minimum Habitable Building Floor Level. The lowest habitable floor level of any building, other than basement mechanical storage, and parking levels, shall be no lower than elevation 425 mean sea level. No opening through the outside wall of any building will be permitted lower than elevation 425 mean sea level.

d. Parking Areas. Parking areas shall

- (1) Be curbed and guttered with concrete or granite as approved by the Architectural Control Committee and paved with 5" reinforced concrete placed on a 6" lime stabilized base.
- (2) Have a maximum grade slope of 5% and a minimum grade slope of 1½%.
- (3) Not be provided in front of any building line fronting a street.

- (4) Be adequately screened by use of berm, trees, landscaping or other means acceptable to the committee.
- (5) Be provided in a manner and location acceptable to Declarant, and be sufficient to accommodate all parking needs for employees, company vehicles, residents, and visitors without the use of onstreet parking. If parking needs increase, additional offstreet parking shall be provided by the owner. In no event shall less than one parking space be provided for each of the following as applicable:
 - i. 300 net square feet of office space;
 - ii. 250 net square feet of banking or retail store space;
 - iii. each 2½ restaurant or club seats;
 - iv. each 3½ theatre, auditorium of assembly seats.

Declarant may grant exceptions to and/or variations from any part of this paragraph d., provided that any such variations and/or exceptions must be in writing.

e. Driveways. Driveways shall

- (1) Not intersect public roads, streets, or thoroughfares within 30 feet of intersections.
- (2) Be constructed as specified in "e(1)" above.
- (3) Have a minimum width of 12 feet.

f. Median Cuts.

- (1) Cuts in the medians of Rochelle Boulevard and Las Colinas Boulevard will be permitted only at locations approved in advance in writing by the Architectural Control Committee.

g. Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation. Normally, such approval will be limited to those signs which:

- (1) Identify the name and business of the occupancy, or which give directions, or which offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Do not block or detract from adjacent property.
- (4) Preserve the quality and atmosphere of the area.

No signs, symbols, advertising insignia or similar items will be permitted on top of or on the face of buildings at a location higher than the area immediately above those levels where there are outside entrances into such buildings. Signs of a flashing or moving character and inappropriately colored signs will not be permitted. The Association shall have the right to enter on and remove any sign erected without such written approval.

h. Landscaping. Landscaping shall

- (1) Be required on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy or completion of buildings, whichever shall first occur.
- (2) Conform to a landscaping plan approved by the Committee pursuant to Article IV of the Declaration.

Normally, such approval will be limited to landscaping plans which:

- i. Provide automatic underground sprinkling systems for all landscaped areas;
 - ii. Do not obstruct sight lines at street or driveway intersections;
 - iii. Preserve existing trees to the extent practical;
 - iv. Permit reasonable access to public and private utility lines and easements for installation and repair.
- (3) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials within the area adjacent to any public or private street and along the shoreline of Lake Carolyn in accordance with plans submitted by such owners and subjectively approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.

i. Screening.

- (1) Storage areas, incinerators, storage tanks, trucks based on the premises, roof objects (including fans, vents, cooling towers, skylights and all roof mounted equipment which rises above the roof line), trash containers and maintenance facilities, shall either be housed in closed buildings or otherwise completely screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening at ground level would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible.
- (2) No antenna or tower shall be erected on any property for any purpose without prior written approval from the Architectural Control Committee.
- (3) Any and all lines and/or wires for communication or for transmission of sound or current, not within a building shall be constructed or placed and maintained underground.

j. Loading Docks and Areas.

- (1) Loading docks and areas shall not be located on the street side of any building or structure, except that the Architectural Control Committee may approve such location in writing (subject to express screening requirements).
- (2) Loading areas may not encroach setback areas.

- (3) Loading docks and areas shall be screened in a manner approved in writing by Declarant, considering such things as location and views from adjacent and nearby properties.

k. Exterior Illumination. Illumination will be required on all exterior walls and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Declarant in writing. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration.

l. Special Lake Carolyn Lake Front Requirements.

- (1) Development plans and architectural plans for structures facing on the lakefront shall provide attractive facades facing on the lake which facades shall provide a "front door" atmosphere along the lakeshore rather than a "rear door" or "service entrance" feeling or "back side" look.
- (2) Automobile parking areas, loading docks, cooling towers, and other similar equipment and installations must be screened from view from across the lake and from boats traveling on the lake.
- (3) Driveways viewed from the lake should be minimized and carefully landscaped so that views of vehicles from across the lake and from boats traveling on the lake will be minimized.
- (4) Special attention should be given to landscaping and its drainage in all areas that lie between building structures and the lakeshore, and must conform to plans and specifications subjectively approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.
- (5) Boat docking, loading, and unloading facilities may be constructed only at locations approved in advance in writing by the Board of Directors of the Dallas County Utility and Reclamation District, and such facilities must conform to designs subjectively approved by the Dallas County Utility and Reclamation District.

m. Construction Standards.

- (1) All building sides must be faced with face brick or stone, or with such other quality face materials as may be approved in writing by the Architectural Control Committee. Windows shall not be glazed or re-glazed with mirrored or reflective glass without prior written approval of both the Architectural Control Committee and Declarant. The spandrel area between window openings shall not be faced with a glass material.
- (2) The design of all buildings, specifically including garage structures, fronting on Rochelle Boulevard and Las Colinas Boulevard shall be such that the maximum amount of space within the building abutting the exterior walls facing those boulevards will be of a construction plan that will facilitate the utilization of

such space for shop, boutique, restaurant, or other purposes requiring a shop front appearance. The exterior facade at ground or street level facing Rochelle Boulevard, and Las Colinas Boulevard of all buildings including garage structures, shall be of an attractive "store front design".

- (3) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to those plans which:
 - i. Do not include wooden frames;
 - ii. Provide adequate fire protection systems;
 - iii. Provide for all underground utilities (public and private);
 - iv. Preserve the quality and atmosphere of the area and do not detract from adjacent property;
 - v. Do not include exterior fire escapes;
 - vi. Do not make extensive use of reflective or mirrored glass.
- (4) Each commercial building, complex of buildings, or separate commercial business enterprise shall have a trash compactor on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, removing, and disposing of all such waste materials must be housed or screened in a manner approved in writing by the Architectural Control Committee. All facilities and plans for the disposal of wastes other than by public sewerage methods (such as shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.
- (5) Each kitchen facility within a commercial building or complex of buildings shall contain a water flushing garbage grinder disposal.
- (6) All structures will be equipped with gutters, downspouts, and/or other drainage conveyances.
- (7) It shall be the responsibility of the owner to install in conjunction with the construction of any building, and at the owner's sole expense, a conduit separate from other conduits and for the sole purpose of permitting the connection of Las Colinas Association Communications System to an individual dwelling, building or other permanent facility. The termination points of the conduit, the conduit size and type, the type of pullwire or rope to be installed with the conduit and the physical routing and the depth of the conduit shall be in accordance with plans and specifications approved in writing by the Architectural Control Committee of the Las Colinas Association.
- (8) No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings shall be back filled and graded.

(9) Once commenced, construction shall be diligently pursued to the end that it may not be left in a partly finished condition any longer than reasonably necessary.

3. The Declaration, except as expressly modified herein, remains in force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first written above.

LAS COLINAS CORPORATION

BY: Ernesto Perry Jr.
President

ATTEST:

Assistant Secretary

COUNTY OF DALLAS ↓

STATE OF TEXAS ↓

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared ERNESTO PERRY JR., President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said LAS COLINAS CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of February, 1985.

Michelle Saunders
Notary Public in and for Dallas County, Texas

MICHELLE SAUNDERS
Notary's Printed Name

My Commission Expires: 6/12/88

EXHIBIT A-75

LAS COLINAS AREA LXXV

Being a tract of land situated in the William Sprowles Survey, Abstract NO. 1369, Dallas County, Texas, and the S. A. & M. G. R. R. Survey, Abstract No. 1452, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the corner of a concrete wall forming the perimeter of Lake Carolyn, said point being an easterly corner of a 57.57 acre tract of land described in the instrument recorded in Volume 75092, Page 146 of the Dallas County Deed Records, said point being located N 81° 08' 33" E, 1134.68 feet from the southwest corner of said William Sprowles Survey according to the description contained in the above referenced instrument, and being S 44° 20' 03" W, 574.76 feet from the northwest corner of the right-of-way dedication of Rochelle Blvd. (a 110 foot R.O.W.) as recorded in Volume 74218, Page 1508 of the Dallas County Deed Records;

- Thence, S 38° 06' 27" W, 160.58 feet with said concrete wall and said 57.57 acre tract;
- Thence, along a curve to the left and with said concrete wall and said 57.57 acre tract an arc length of 68.41 feet, said curve having a central angle of 19° 40' 21", a radius of 199.25 feet, a tangent length of 34.55 feet, a chord bearing of S 28° 16' 17" W, and a chord length of 68.08 feet;
- Thence, S 18° 26' 06" W, 29.20 feet with said concrete wall and said 57.57 acre tract to an angle corner of said concrete wall;
- Thence, S 81° 52' 12" E, 53.81 feet to an iron rod set for corner;
- Thence, S 55° 17' 33" E, 142.76 feet to an iron rod set for corner;
- Thence, N 34° 42' 27" E, 158.52 feet to an iron rod set for corner;
- Thence, along a curve to the right an arc length of 21.05 feet to an iron rod set for corner, said iron rod being in the westernmost right-of-way of proposed Las Colinas Blvd. (a proposed 110 foot R.O.W.), said curve having a central angle of 120° 36' 56", a radius of 10.00 feet, a tangent length of 17.54 feet, a chord bearing of S 84° 59' 05" E, and a chord length of 17.37 feet;
- Thence, N 24° 40' 37" W, 95.13 feet with the westernmost line of proposed Las Colinas Blvd. to an iron rod set for corner;
- Thence, along a curve to the left and with the westernmost line of proposed Las Colinas Blvd. an arc length of 139.48 feet to an iron rod set for corner, said curve having a central angle of 15° 34' 47", a radius of 512.96 feet, a tangent length of 70.17 feet, a chord bearing of N 32° 28' 00" W, and a chord length of 139.05 feet;
- Thence, S 38° 06' 27" W, 37.68 feet to the POINT OF BEGINNING and containing 1.0832 acres (47,182 sq. ft.) of land.

When Recorded Return to:
Richard E. Darnley, Jr.
P. O. Box 610208
DFW Station
Dallas, Texas 75261-0208

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